

Notice of Allowability

Application No.

09/756,767

Examiner

Michael B. Holmes

Applicant(s)

CURTIN, STEVEN D.

Art Unit

2121

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 26, 2004.
2. ☒ The allowed claim(s) is/are 1-46.
3. ☒ The drawings filed on 21 March 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



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Examiner's Detailed Office Action

1. Claims 1-46 are allowed.

REASONS FOR ALLOWANCE

2. The following is an Examiner's statement for reasons for allowance:
3. The closest prior art *Gupta et al.* (USPN 6,622,171) does not teach or render obvious applicant's claimed invention. In particular, as pointed out below, the prior art lacks certain features and the combination as specified in the respective claims.
4. With regards to claim 1 *Gupta et al.* does not disclose “ ... *that the combined digital and audio signal is set to the client. This limitation is interpreted as the client that sent the original data is the client that receives the combined data.*”
5. With regards to claim 10 *Gupta et al.* do not disclose “ ... *receiving second digital audio information at said client source from said digital transmission system, said second digital audio information including said first digital audio information from said client source and additional digital audio information from at least one other client source, said transmitting and receiving operations being performed in near real time.*”

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6. With regards to claim 19 *Gupta et al.* do not disclose “ ... *a receiver for receiving compressed digital audio information from a plurality of client sources over a digital network; a signal combiner which decompresses said compressed audio signal information and combines received digital decompressed audio information from said plurality of client sources into a combined compressed digital audio signal; and a transmitter for transmitting said combined compressed digital audio signal to said client sources over said digital network, wherein said receiver, signal combiner and transmitter operate in near real time.*”

7. With regards to claim 26 *Gupta et al.* do not disclose “ ... *a receiver at said client source for receiving second compressed digital audio information from said digital transmission system, said second compressed digital audio information including said first audio information transmittal from said client source and additional digital audio information from at least one other client source, said transmitter and receiver operating in near real time.*”

8. With regards to claim 35 *Gupta et al.* do not disclose “ ... *(a) receiving digital audio information simultaneously from a plurality of client sources at a server location, digital audio information received from each source representing a unique part of a composite work; (b) combining said received digital audio information to form a combined digital audio signal representing said composite work; and (c) transmitting said combined digital audio signal to said client sources; wherein steps (a), (b) and (c) are performed in near real time.*”

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Correspondence Information

9. Any inquires concerning this communication or earlier communications from the examiner should be directed to **Michael B. Holmes**, who may be reached Monday through Friday, between 8:00 a.m. and 5:00 p.m. EST. or via telephone at **(571) 272-3686** or facsimile transmission **(571) 273-3686** or email Michael.holmesb@uspto.gov.

If attempts to reach the examiner are unsuccessful the **Examiner's Supervisor**, **Anthony Knight**, may be reached at **(571) 272-3687**.


Anthony Knight
Supervisory Patent Examiner
Group 3600

Michael B. Holmes
Patent Examiner
Artificial Intelligence
Art Unit 2121
United States Department of Commerce
Patent & Trademark Office

Tuesday, January 4, 2005

MBH